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July 16, 2020

Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Application GRANTED. The defendant's self-surrender deadline is extended to September 25, 2020, without prejudice to an application for a further extension if the coronavirus pandemic remains a problem. The Clerk of Court is directed to terminate ECF No. 81. SO ORDERED.

July 17, 2020

RE: Ibrahim Mizrahi
Case No. 18-CR-889 (JMF), USM Number 86309-054

Dear Judge Furman:

As the Court is aware, this Firm is immigration counsel to Mr. Ibrahim Mizrahi. We write to respectfully request an additional 60-day extension of Mr. Mizrahi's voluntary surrender date due to his poor physical health and the extraordinary circumstances surrounding the worldwide outbreak of the Coronavirus pandemic ("Coronavirus" or "COVID-19"), without prejudice to a further request in 60 days from July 28, 2020. The Government has consented to this request.

Background

Mr. Mizrahi was sentenced to serve 18 months in prison and pay restitution in the amount of \$998,000 as a result of his guilty plea. Dkt. No. 1661. Previously, we advised the Court that Mr. Mizrahi was prepared to surrender into FCI Allenwood, where it was anticipated that he would be placed into removal proceedings pursuant to the Institutional Hearing Program.

On February 5, 2020, the Court granted our application to adjourn Mr. Mizrahi's originally scheduled surrender date of February 28, 2020 for a period of 30 days to allow him to prepare the documentation necessary for his upcoming immigration court proceedings. During that time, the United States began to experience the effects of the Coronavirus outbreak. We accordingly requested that Mr. Mizrahi be granted 60-day extension of his surrender date, given his poor health. The Court granted that request, extending Mr. Mizrahi's surrender date to May 29, 2020.

By May 26, 2020, it was clear that the dangers posed to Mr. Mizrahi by the Coronavirus had not subsided, so we again requested a 60-day extension of his surrender date. The Court

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extended Mr. Mizrahi's surrender date to July 28, 2020, granting the request without prejudice to an application for a further extension if the coronavirus pandemic remains a problem.

Nature of the Relief Sought

We write the Court, with the Government's consent, to respectfully request that Mr. Mizrahi's voluntary surrender date be extended by 60 days from July 28, 2020, without prejudice to a request for a further extension should it be necessary.

The Coronavirus Pandemic Continues to Weigh Heavily in Favor of Extending Mr. Mizrahi's Voluntary Surrender Date

It is an unfortunate reality that, since our last correspondence to the Court, the United States is still struggling to combat the spread of the Coronavirus. Although many states and municipalities have adopted preventative measures, and country remains in a state of emergency, the Coronavirus is continuing to spread at an alarming rate. In fact, the United States has witnessed record numbers of new Coronavirus cases four times in just the past eight days alone—each time topping over 60,000 new confirmed cases. Sarah Lynch et al., *For Fourth Time in 8 days, U.S. Breaks Record for New Coronavirus Cases*, CBS News (July 15, 2020), <https://www.cbsnews.com/news/coronavirus-usa-record-cases-4th-time-8-days/>.

As the Court is aware, the incarcerated population is at a particularly high risk of contracting the Coronavirus. A recently published study even found that between March 31 to June 6, 2020, Coronavirus cases in "US federal and state prisons were 5.5 times higher—and death rates three times higher—than in the general population." Mary Van Beusekom, *US Prison Inmates Among Those Hit Hard with COVID-19*, Ctr. For Infectious Disease Research & Pol'y (July 9, 2020), <https://www.cidrap.umn.edu/news-perspective/2020/07/us-prison-inmates-among-those-hit-hard-covid-19>. This general danger posed to all inmates is even greater for Mr. Mizrahi, who is suffering from long-term asthma and bronchitis.

A. Mr. Mizrahi's Poor Physical Health Places Him in a Life-Threatening Situation if He is Incarcerated at This Time

In addition to the increasing spread of the Coronavirus, Mr. Mizrahi's preexisting health conditions make him a particularly susceptible candidate to become infected with, and potentially die from, COVID-19. We previously submitted a letter from Mr. Mizrahi's physician, Dr. Victor Fariwa, M.D., stating that Mr. Mizrahi is suffering from "severe bronchitis with bronchospasms and asthma," and recommending that Mr. Mizrahi avoid any group settings until his recovery to prevent any serious respiratory complications and reduce his risk of exposure to COVID-19.

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Conclusion

Accordingly, we respectfully request that this Court allow Mr. Mizrahi to extend the date of his voluntary surrender by 60 days from July 28, 2020, without prejudice to an additional request in 60 days, as this is in the best interest of the public welfare, Mr. Mizrahi, and other inmates in federal prisons. Again, the Government has consented to this request.

We thank the Court for its attention to these matters. We are available to appear by telephone for a conference to discuss this matter further.

Respectfully submitted,

S/ Daniel A. Schnapp

Daniel A. Schnapp
Partner

DAS

Cc: All counsel by ECF